31108. Misbranding of M–T–C Antiseptic Tablets. U. S. v. Ross O. Johnson and Ralph W. Firke (Concentrate Products Co.). Pleas of guilty. Each defendant fined $200 and sentenced to 3 months in jail. Jail sentences suspended and defendants both placed on probation for 2 years. (F. & D. No. 38026. Sample No. 41425–B.)

The label of this veterinary product bore false and fraudulent curative and therapeutic claims.

On September 17, 1936, the United States attorney for the Eastern District of Illinois filed in the district court an information against Ross O. Johnson and Ralph W. Firke, copartners trading as Concentrate Products Co., Champaign, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about October 25, 1935, from the State of Illinois into the State of Minnesota of a quantity of M–T–C Antiseptic Tablets that were misbranded.

Analysis showed that the article consisted of mercury bichloride, citric acid, and a compound consisting of zinc, calcium, sodium, sulfur, and phenol.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the package labels and in the circulars, falsely and fraudulently represented that it was effective as an antiseptic treatment for diseases of poultry; effective to soothe and heal intestinal membranes inflamed and irritated as a result of worm invasion; effective as an antiseptic wash for disinfecting sores, lesions of roup and chickenpox; effective to remove false membranes and foreign matter; and effective as a treatment, remedy, and cure for swellings caused by colds and roup, and for coccidiosis.

On March 27 and July 29, 1940, the defendants entered pleas of guilty and were each sentenced to 3 months in jail and fined $200. The jail sentences were suspended and both defendants were placed on probation for 2 years.

31109. Adulteration and misbranding of sodium perborate. U. S. v. Zenith Drug, Inc. Plea of guilty. Fine, $250. (F. & D. No. 42793. Sample Nos. 27163–D, 59374–D, 60119–D.)

This case involved shipments of products that purported to be sodium perborate but which consisted of mixtures of sodium perborate, sodium bicarbonate, sodium chloride, and magnesium carbonate.

On June 10, 1940, the United States attorney for the District of New Jersey filed an information against Zenith Drug, Inc., Irvington, N. J., alleging shipment on or about October 4, 1938, and January 6, 1939, from the State of New Jersey into the State of New York of quantities of sodium perborate (flavored and plain) which were adulterated and misbranded.

The sodium perborate (flavored) was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to consist of sodium perborate and flavoring substances; whereas it consisted of approximately 36.2 percent of sodium perborate, approximately 51.3 percent of sodium bicarbonate, approximately 5.1 percent of sodium chloride and approximately 1.2 percent of magnesium carbonate, together with saccharin, and flavored with oil of spearmint. It was alleged to be misbranded in that the statement "Sodium Perborate (Flavored)," borne on the label, was false and misleading since it did not consist of sodium perborate and flavoring.

The sodium perborate (plain) was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, but differed from the standard of strength, quality, and purity as determined by the tests laid down therein since it contained less than 9 percent, namely, not more than 3.30 percent of available oxygen, corresponding to not more than 31.7 percent of $NaBO_3.4H_2O$, whereas the United States Pharmacopoeia provides that sodium perborate shall contain not less than 9 percent of available oxygen, corresponding to about 86.5 percent of $NaBO_3.4H_2O$, and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be adulterated further in that it was represented to consist of sodium perborate which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to the said standard. It was alleged to be misbranded in that the statement "Sodium Perborate U. S. P. XI," borne on the cans, was false and misleading since it was not sodium perborate U. S. P.

On June 17, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.